

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 20, 2010

H034840 PEOPLE v. SHIPP

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., McAdams, J.)
Filed September 20, 2010

H034230 PEOPLE v. AVILA

The superior court's April 7, 2009 order denying defendant's motion to vacate judgment and petition for writ of error *coram nobis* is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; I concur: McAdams, J.; I concur in judgment only: Mihara, J.)
Filed September 20, 2010

H033496 PEOPLE v. RAMIREZ

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed September 20, 2010

H034425 EPIC CASH, LLC v. FRIENDFINDER NETWORK, INC., et al.

The order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed September 20, 2010

H035150 PEOPLE v. BRUCE

The judgments in case Nos. SS070591A and SS081072A are affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)
Filed September 20, 2010

H035095 PEOPLE v. OCHOA

We hereby modify the probation order to clarify that the probation supervision costs were not imposed as a condition of probation but as a separate order. As modified, the order is affirmed (not published)
(Mihara, J.; I concur: Bamattre-Manoukian, Acting P.J.; I dissent: McAdams, J.)
Filed September 20, 2010

Sixth Appellate District

San Jose, California

TUESDAY, SEPTEMBER 21, 2010

The following cases are submitted this date:

H032250 PEOPLE v. LUCERO

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Duffy, J.; and Beth Miller, Deputy Clerk.

H034196 CHAN v. LUND, et al.

Cause called and argued by Bruce Tichinin appearing for Appellant, Salvatore J. Sunseri for Respondent Kathleen Lund and by Kerri A. Johnson appearing for Respondent Norma Tree Service. Cause ordered submitted.

Rushing, P.J., Premo, J., and Duffy, J. leave the bench and Bamattre-Manoukian, Acting P.J., Mihara, J., and McAdams, J. take the bench.

H034167 PEOPLE v. YEPEZ

Cause called and argued by Alan Siraco appearing for Appellant and by David H. Rose, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H034005 PEOPLE v. HAWLEY

Cause called and argued by Andrew H. Parnes appearing for Appellant and by David Baskind, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H034073 PEOPLE v. ARCHIBEQUE

Cause called and argued by Jeffrey A. Glick appearing for Appellant and by David Rose, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court is adjourned.

H034603 PEOPLE v. GEBREZGI

The judgment is reversed. The cause is remanded for resentencing in accordance with the opinions expressed herein. (not published)

(Premo, J.; We concur: Rushing, P.J., Duffy, J.)

Filed September 21, 2010

Sixth Appellate District

San Jose, California

Tuesday, September 21, 2010 (continued)

H034454 PEOPLE v. PACHECO

Filed modification of opinion with a change in the judgment. On page 12 under the heading “Disposition” please delete that paragraph and replace it with the following:

“The judgment is reversed as to the \$100 attorney fee order, the \$259.50 criminal justice administration fee, and the \$64 per month probation supervision fee. The matter is remanded with directions to the trial court to determine, in accordance with the applicable statutes, Pacheco’s ability to pay any such fines or fees before imposing them. If any order directing payment of attorney fees or imposing probation supervision fees is entered on remand, the order will make clear that these items are not conditions of probation. The judgment is further modified to delete the \$20 court security fee imposed as a condition of probation and to clarify that this fee is a separate order, and to delete the \$30 fee that the trial court did not impose. The clerk of the superior court is further directed to correct the minutes to delete this fee. The judgment is accordingly reversed in part and affirmed in part, as so modified.”

There is a change in the judgment. (published)

(Duffy, J., Rushing, P.J., Premo, J.)

Filed September 21, 2010

H033042 PEOPLE v. GAMINO

H034772 GARY LUJAN GAMINO on Habeas Corpus

The judgment is reversed. The case is remanded for resentencing as to consecutive sentences under the standard established in *People v. Jones* (2001) 25 Cal.4th 98. The petition for writ of habeas corpus is denied. (not published)

(Premo, J.; We concur: Rushing, P.J., Duffy, J.)

Filed September 21, 2010

H035378 PEOPLE v. T.D.

The juvenile court’s order is modified to reflect that the minor is entitled to an additional day of precommitment credit, for a total of 224 days. As so modified, the order is affirmed. (not published)

(Duffy, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 21, 2010

Sixth Appellate District

San Jose, California

Tuesday, September 21, 2010 (continued)

H034811 PEOPLE v. VASQUEZ

By the Court:

On the court's own motion, the submission order of September 17, 2010, is hereby vacated. Appellant's motion for leave to file supplemental opening brief is granted. The clerk shall file said brief forthwith. Respondent may serve and file a supplemental response brief within 15 days of the date of this order. The cause will be resubmitted upon completion of supplemental briefing.

Dated: September 21, 2010 Rushing, P.J.

WEDNESDAY, SEPTEMBER 22, 2010

H034358 PEOPLE v. JOHNSON

The judgment is modified by staying the sentence imposed on count 2, including the jail term and the restitution fine. As so modified, the judgment is affirmed. The clerk of the court is directed: (1) to prepare an amended abstract of judgment, reflecting imposition of the sentence on count 2 (including the jail term, restitution fine, court security fee, and court facilities assessment) and the stay of the jail term and restitution fine pursuant to section 654; and (2) to forward a copy of the amended abstract to the Department of Corrections. (not published)

(McAdams, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed September 22, 2010

The following cases are submitted this date:

H035479 In re I.V.; D.F.C.S. v. G.V.;M.G.

H034602 PEOPLE. v. HARRIS

H034451 In re J.T.; D.F.C.S. v. R.T.; T.T.

The order is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed September 22, 2010

THURSDAY, SEPTEMBER 23, 2010

H034737 DAUENHAUER v. SHEA

The order is affirmed.

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed September 23, 2010

Sixth Appellate District

San Jose, California

Thursday, September 23, 2010 (continued)

H035296 PEOPLE v. J.G., a Minor

The juvenile court's dispositional order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed September 23, 2010

FRIDAY, SEPTEMBER 24, 2010

H034910 PEOPLE v. FORD

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed September 24, 2010